



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,038	07/08/2003	Olivier Reboullet	0528-1080	6720

466 7590 03/16/2006

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

BALDWIN, KATHLEEN C

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/614,038	REBOULLET, OLIVIER	
	Examiner	Art Unit	
	Kathleen Baldwin	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/22/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/8/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 1 –15, the claims are narrative in form and it is unclear what elements should be given patentable weight. The examiner suggests rewriting the claims in accordance with CFR 1.75 (i). What elements are positively being recited?

Claim 1 recites the term "tapping." It is unclear what is meant by the term as the specification does not provide explicit meaning for the term.

Claim 1 states "this latter" in lines 11 and 18. It is unclear to what "this latter" refers to in the claim.

Claim 1 recites the limitation "the element" in line 20. There is insufficient antecedent basis for this limitation in the claim. It is not clear what element is being referenced in the phrase "the element".

Re clms 1 and 2, the phrase "said holding means (10 to 15) comprise an element for blocking in rotation (10) of the cartridge (5) axially displaceable in said recess (7)" is unclear. The examiner suggests rewriting this phrase to

clarify what is being claimed. Additionally, it is unclear what is axially displaced.

Is the cartridge or the element axially displaced?

Re clm 1, it is unclear if the element and the blocking element are the same element. It is unclear what the first positive locking means and second positive locking means are referring to in the claim. Clarification is needed.

Re clm 6, the phrase "...constituted by the tapping of a nut (15) forming said screwing element..." is unclear what is meant. Is the nut "forming" a screwing element?

Re clm 7, the phrase "...constituted by a tapping in an end zone..." is unclear what is meant. What is meant by "a tapping" ?

Re clm 8, the phrase "said ring will be urged" is unclear. How is it urged, or rather, what structure provides the urging? The word "will" is indefinite. Can it be urged? As written, the claim is unclear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 5-10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda (US Patent 6,393,940).

Re clm 1, Ueda ('940) discloses a bicycle pedal assembly comprising a pedal body (22) having engagement members (80,81) with a hooking element fixed below a cyclist's shoe and a cylindrical cartridge (39) containing a pedal axle (20) adapted to be fixed to a drive crank, said cartridge (39) being received in a cylindrical transverse recess (31) of the pedal, this cylindrical recess being provided with tapping co-acting with screw threading on the cartridge (39), and holding means (35, 36) for the cartridge (39) in a selected transverse position, wherein said holding means (35, 36) comprise an element (38) to prevent rotation of the cartridge (39), with positive locking means (37, 38) and gripping means (35, 36) to prevent rotation of the cartridge (39) and engage positive locking means with one another (37,38).

Re clm 2, Ueda ('940) discloses a member (41).

Re clm 5, Ueda ('940) discloses the gripping means comprising a screwing element (35) comprising a first screw thread adapted to co-act with a second screw thread (34) within the recess (31).

Re clm 6, Ueda ('940) discloses a screw thread (16) is constituted by the tapping of a nut (35) forming said screwing element, and that said second screw thread (see fig 5) is constituted by an external thread on a central rod (34) at the end of the cartridge (39) extending through a central hole (see figure 5) of said element (38).

Re clm 7, Ueda ('940) discloses the screwing element (34) comprising external thread on a cylindrical screwing element, and the second thread comprising a tapping in the end zone of the said recess (31).

Re clm 9, Ueda ('940) discloses a first and second positive locking means (37, 38) comprise complementary ribs and grooves (see fig 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda ('940) in view of Prussen et al. (US Patent 4,371,279).

Ueda ('940) discloses all of the claim limitations (as described above).

Ueda ('940) does not disclose a blocking element comprising of at least one radial lug extending into an axial groove.

Prussen ('279) teaches a blocking element comprising of at least one radial lug (38) extending into an axial groove (34) for the purpose of preventing unwanted movement or loosening of the connected elements (C 1, L 47-53).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the use of a blocking element

comprising of at least one radial lug extending into an axial groove, as taught by Prussen ('279), in the device of Ueda ('940) for the purpose of preventing the unwanted rotation or loosening of the connected elements.

Re Clm 4, Prussen ('279) discloses the lug (38) is non- circular (see fig 2).

4. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda ('940) in view of Snyder et al. (US Patent 4,311,319).

Ueda ('940) discloses all of the claim limitations (as described above).

Ueda ('940) does not disclose a blocking element and screwing element comprising of notches provided on their facing surfaces to prevent the spontaneous unscrewing of the screwing element.

Snyder ('319) teaches the use of a blocking element (27) and screwing element (22) comprising of notches (24, 30) provided on their facing surfaces (23, 28) to prevent the spontaneous unscrewing of the screwing element (22) (C2 L44-70).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Ueda's ('940) bicycle pedal assembly in view of the teachings of Snyder ('319) by adding notches to the blocking element and screwing element facing surfaces to prevent the spontaneous unscrewing of the screwing element.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Baldwin whose telephone number is 571-272-8973. The examiner can normally be reached on 7:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB 3/9/06

KB

A handwritten signature in black ink, appearing to read 'Richard Ridley', is positioned above the printed name and title.

RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER